

AMENDED IN SENATE JULY 11, 1997  
AMENDED IN ASSEMBLY JUNE 2, 1997  
AMENDED IN ASSEMBLY APRIL 15, 1997

CALIFORNIA LEGISLATURE—1997–98 REGULAR SESSION

**ASSEMBLY BILL**

**No. 142**

**Introduced by Assembly Members Brown, Havice, Mazzoni,  
Strom-Martin, Sweeney, Thomson, *Wayne*, and Wildman**

January 17, 1997

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An act to amend Sections 52124 and 52126 of the Education Code, relating to class size reduction, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

AB 142, as amended, Brown. Class size reduction.

(1) Existing law establishes the Class Size Reduction Program to provide funding to school districts to reduce class size in kindergarten and grades 1 to 3, inclusive, to not more than 20 pupils per certificated teacher. A school district establishing a class size reduction program with funds from the program is required to reduce class size at each schoolsite according to specified priorities, with up to 3 grade levels reduced at each schoolsite. If only one grade level is reduced at a schoolsite, the grade level must be grade 1. If only 2 grade levels are reduced at a schoolsite, the grade level must be grades 1 and 2. If 3 grade levels are reduced at a schoolsite, the grade levels must be kindergarten and grades 1 and 2 or grades 1 to 3, inclusive. Up to 4 grade levels may be reduced

at a schoolsite if funds are appropriated expressly for that purpose.

This bill would provide that up to 4 grade levels may be reduced at a schoolsite, but up to 4 grade levels may be reduced at a schoolsite only if funds are appropriated expressly for that purpose.

(2) Existing law establishes 2 options under which a school district may apply for Class Size Reduction Program funding. Under Option One, the Superintendent of Public Instruction is required to apportion to each applicant school district an amount equal to \$650 per each pupil enrolled in classes participating in the program, as specified, for class size reduction, provided the school district certifies that it has met certain requirements. Under Option Two, the superintendent is required to apportion an amount equal to \$325 per each pupil enrolled in each class that is reduced, as specified, for at least  $\frac{1}{2}$  of the instructional minutes offered per day.

This bill would change the amount the superintendent is required to apportion under Option One and Option Two to \$800 and \$400, respectively.

The bill would also make conforming changes to related provisions of law.

(3) *The bill would declare that it shall take effect immediately as an urgency statute.*

Vote: ~~majority~~  $\frac{2}{3}$ . Appropriation: no. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 52124 of the Education Code is  
2 amended to read:

3 52124. (a) Any school district that implements a  
4 Class Size Reduction Program pursuant to this chapter is  
5 subject to this section.

6 (b) A school district may establish a program to reduce  
7 class size in kindergarten and grades 1 to 3, inclusive, and  
8 that program shall be implemented at each schoolsite in  
9 accordance with the following priorities:



(1) If only one grade level is reduced at a schoolsite, the grade level shall be grade 1.

(2) If only two grade levels are reduced at a schoolsite, the grade levels shall be grades 1 and 2.

(3) If three grade levels are reduced at a schoolsite, the grade levels shall be kindergarten and grades 1 and 2 or grades 1 to 3, inclusive. First priority shall be given to reducing class sizes in grades 1 and 2 before the class sizes of kindergarten or grade 3 are reduced.

(4) If four grade levels are reduced at a schoolsite, the grade levels shall be kindergarten and grades 1 to 3, inclusive. First priority shall be given to reducing class sizes in grades 1 and 2, and second priority shall be given to reducing class size in kindergarten and grade 3. This paragraph shall be operative only if funds are appropriated expressly for the purposes of this paragraph.

(c) It is the intent of the Legislature to continue to permit the use of combination classes of more than one grade level to the extent that school districts are otherwise permitted to use that instructional strategy. However, any school district that uses a combination class in any class for which funding is received pursuant to this chapter may not claim funding pursuant to this chapter if the total number of pupils in the combination class, regardless of grade level, for any class that exceeds 20 pupils per certificated teacher assigned to provide direct instructional services.

(d) The governing board of a school district shall certify to the Superintendent of Public Instruction that it has met the requirements of this section in implementing its class size reduction program. If a school district receives funding pursuant to this chapter but has not implemented its class size reduction program for all grades and classes for which it received funding pursuant to this chapter, the Superintendent of Public Instruction shall notify the Controller and the school district in writing and the Controller shall deduct an amount equal to the amount received by the school district under this chapter for each class that the school district failed to reduce to a class size of 20 or less pupils from the school

1 district's next principal apportionment or  
2 apportionments of state funds to the school district, other  
3 than basic aid apportionments required by Section 6 of  
4 Article IX of the California Constitution.

5 (e) The Superintendent of Public Instruction shall  
6 develop a procedure to enforce subdivision (d) and shall  
7 incorporate that procedure as an integral part of the  
8 school district financial audit and other investigations  
9 conducted by the State Department of Education. The  
10 Controller shall include a provision appropriate to the  
11 enforcement of subdivision (d) in the audit guide  
12 required by subdivision (a) of Section 14502.

13 SEC. 2. Section 52126 of the Education Code is  
14 amended to read:

15 52126. Each school district implementing a Class Size  
16 Reduction Program pursuant to this chapter is eligible to  
17 receive funding that shall be computed as follows:

18 (a) If a school district applies to participate in Option  
19 One, pursuant to subparagraph (A) of paragraph (2) of  
20 subdivision (b) of Section 52122, the Superintendent of  
21 Public Instruction shall apportion to the applicant school  
22 district an amount equal to eight hundred dollars (\$800)  
23 for each pupil actually enrolled in the classes in which the  
24 school district implements the program, except that the  
25 maximum number of pupils for which a school district  
26 may claim funding for any class shall not exceed 20. The  
27 number of pupils claimed pursuant to this subdivision  
28 shall be pupils actually enrolled in classes participating in  
29 the Class Size Reduction Program and shall not be based  
30 on the average size of the classes for any grade levels for  
31 which funding is claimed.

32 (b) If a school district applies to participate in Option  
33 Two, pursuant to subparagraph (B) of paragraph (2) of  
34 subdivision (b) of Section 52122, the Superintendent of  
35 Public Instruction shall apportion to the applicant school  
36 district an amount equal to four hundred dollars (\$400)  
37 for each pupil actually enrolled in the classes in which the  
38 school district implements the program, except that the  
39 number of pupils in any class for which a school district  
40 may claim funding for the instructional minutes offered

1 shall not exceed 20. The number of pupils claimed  
2 pursuant to this subdivision shall be pupils actually  
3 enrolled in classes participating in the Class Size  
4 Reduction Program and shall not be based on the average  
5 size of the classes for any grade levels for which funding  
6 is claimed.

7 (c) The per pupil amount set forth in subdivisions (a)  
8 and (b) shall be increased annually for inflation by the  
9 percentage change determined pursuant to subdivision  
10 (b) of Section 42238.1.

11 (d) The Superintendent of Public Instruction shall  
12 only apportion funds to a school district upon certification  
13 that its class size reduction program has been  
14 implemented for that fiscal year.

15 (e) It is the intent of the Legislature that the total  
16 statewide amount computed for the purposes of this  
17 chapter pursuant to this section, commencing with the  
18 1997-98 fiscal year, be appropriated to the  
19 Superintendent of Public Instruction in the annual  
20 Budget Act.

21 *SEC. 3. This act is an urgency statute necessary for the*  
22 *immediate preservation of the public peace, health, or*  
23 *safety within the meaning of Article IV of the*  
24 *Constitution and shall go into immediate effect. The facts*  
25 *constituting the necessity are:*

26 *In order to implement funding provisions provided for*  
27 *in the 1997 Budget Act, it is essential that this act take*  
28 *effect immediately as an urgency statute.*

